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Subject: 09/994,318 Jambhekar et al. CML00092H

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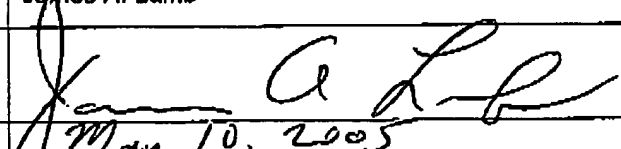
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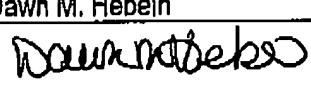
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2687
09/994,318
11/26/2001
Jambhekar et al.

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/994,318	
	Filing Date	11/26/2001	
	First Named Inventor	Shrirang Jambhekar	
	Group Art Unit	2687	
	Examiner Name	PHAN, HUY Q.	
Total Number of Pages In this Submission	Attorney Docket Number	CML00092H	

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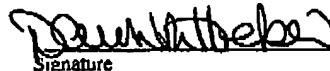
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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) Jambhekar et al. GROUP ART UNIT: 2687
APPLN. NO.: 09/994,318 EXAMINER: Phan, Huy Q.
FILED: 11/26/2001
TITLE: APPARATUS AND METHOD FOR DOWNLOADING JOURNEY-
RELATED INFORMATION

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PATENT APPEAL BRIEF

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Attention: Board of Patent Appeals and Interferences

This Appeal Brief is in furtherance of the Notice of Appeal, transmitted on March 31, 2005.

The fees required under 37 C.F.R. § 41.20(b)(2), and any required petition for extension of time for filing this Appeal Brief and fees therefor, are dealt with in the accompanying Transmittal Form.

This brief is being transmitted by facsimile pursuant to 37 C.F.R. § 1.6(d).

This brief contains items under headings listed in the order indicated in 37 C.F.R. § 41.37(c).

i. Real Party In Interest

The real party in interest is Motorola Inc., a corporation of Delaware, by virtue of an assignment duly executed by the named inventor(s) and recorded in the Patent Office on 11/26/2005, Reel/Frame 012327/0440.

ii. Related Appeals & Interferences

There are no related appeals or interferences.

III. Status of Claims

Claims 1-71 are pending. Claims 1-47 and 49-71 stand finally rejected, and claim 48 stands objected to, in an Office Action mailed on 01/07/2005.

No claims have been cancelled.

iv. Status of Amendments

An amendment under 37 C.F.R. section 1.116 was filed on 03/03/2005 and was not entered.

v. Summary of Claimed Subject Matter

For brevity, references in the remainder of this Appeal Brief that are made to the text of applicants' specification are made in the form pX/Y-Z, where X is a page number, and Y and Z are line numbers, and references to elements of figures are made in the form FIG. X-Y, where X is the figure number and Y is the element number.

Independent claim 1 is a process claim that has two major elements, namely:

- determining by a user platform in a vehicle that includes a user that the user, while in a first geographic zone, which first geographic zone has a first communications service that supports provision of a journey-related information to the user, is at least likely to leave the first geographic zone and enter a second geographic zone, which second geographic zone does not have the first communications service;

- downloading to the user platform, in response to the determination, at least some journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone.

Independence claim 60 is an independent means plus function claim that has two "means for" elements that correspond closely to the two elements of claim 1.

The first "means for" element is a determining means, described at FIG. 4-400 and p8/20 to p9/5; p11/12 to p13/2; p13/21 to p14/5; p16/9-20; p18/17-22; p20/6-22; p22/16 to p23-3; p23/4-8.

The second "means for" element is a downloading means, described at FIG. 4-400, FIG. 5-504, FIG. 6-504 and page 15/22 to page 22/5.

Independent claim 71 is a method claim similar to claim 1 that specifies the user to be in a terrestrial based vehicle and the first communication service to be one which uses wireless short range transmitters that transmit the journey-related information, and wherein the communication system in the second geographic zone has at least a considerably reduced number of the short-range roadside transmitters that are operable.

An overview of aspects of these three independent claims is presented from p6/4 to p9/14. More descriptions of the subject matter claimed in claims 1, 60, and 71 are disclosed in other portions of the instant specification.

vi. Grounds of Rejection

Claims 1-47, and 49-71 were rejected under 35 U.S.C. 102(e) as being anticipated by Morita et al. (U.S. Patent Application Publication 2002/0152115).

Claims 3-7, 9-11, 17-19, 22-31, 33, 34, 61-67 and 70 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. in view of Rauhala and further in view of Rauhala (U.S. Patent 6,680,919).

Claims 8, 12-14 and 49-59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. in view of Rauhala and further in view of Bahl et al. (U.S. Patent 6,386,454)

Claims 15, 16, 32, 36-39, 68, and 69 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. in view of Rauhala and further in view of Dowling et al. (U.S. Patent 6,522,875)

Claims 20 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. in view of Rauhala and further in view of Granberg et al. (U.S. Patent 6,101,387).

Claim 35 was rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. in view of Rauhala and further in view of Kamada (U.S. Patent Publication US-2002/0123336).

Claims 40-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. in view of Rauhala and further in view of Burton et al. (U.S. Patent Publication US-2002/0055878).

Claim 48 was objected as being dependent upon a rejected base claim, but was deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

vii. Argument**Claims 1-47 and 49-71**

Claims 1, 60, and 71 were rejected as being anticipated by Morita et al. (U.S. Patent Application Publication 2002/0152115).

The position of the applicants is simply that Morita does not describe a second geographic zone which does not have the first communication service, as claimed in claim 1 of the application. The examiner has never stated in a manner explicitly clear to the applicants as to which service of Morita the examiner is equating to the first communication service (claimed by the applicants in claims 1 and 60), but it appears to be Morita's HEO communication service. The applicants find nothing in Morita that states that the restricted zone (which is equated to the applicants' second geographic zone by the Examiner's reference to [0119]) lacks the HEO communication service. Morita simply states that the determination that the user is at least likely to enter the second geographic zone can be found without using the HEO. In fact, Morita states near the end of paragraph [0119] that "After the advice given in step <1> ... when the vehicle does move past the restricted zone [boundary], information on the entry time, is transmitted via HEO to the center.", thereby inherently stating that the first communication service is available in the second geographic zone.

The arguments for claim 71 are essentially the same. Here, the Examiner states "... a second geographic zone (the restricted zone; [0119]) that has at least a considerably reduced number of the short-range roadside transmitters that are operable ([0015]-[0017])..." The applicants do not believe that either paragraphs [0119] or paragraphs ([0015]-[0017]) describe "at least a considerably reduced number of the short-range roadside transmitters that are operable" in the restricted zone of Morita.

Furthermore, the applicants do not find any description in Morita of any communication service that is available outside the restricted zone of paragraph [0119] but not available or having reduced availability in the restricted zone.

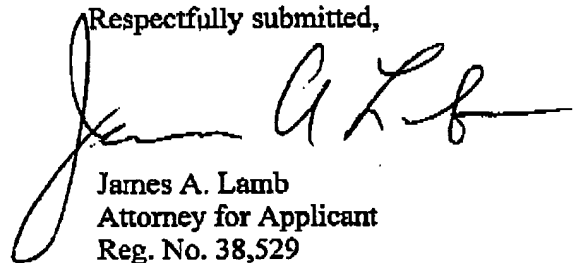
The applicants therefore believe that the cited art, Morita, fails to either expressly or inherently describe each and every element as set forth in claim 1, claim 60, or claim 71, and that they are therefore patentable over the art cited. The applicants further believe that claims 1-47, 49-59, and 61-70 are patentable since they depend upon one of claims 1 and 60.

Claim 48

Since the examiner has deemed claim 48 objected to in the Advisory Action, the applicants believe it is allowable when rewritten to include all the limitations of the base claim (claim 1).

MOTOROLA, INC.
Customer Number 22917

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Lamb", is written over the typed name and title.

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viii. Claims Appendix

1. (Previously Amended) A process comprising:

-determining by a user platform in a vehicle that includes a user that the user, while in a first geographic zone, which first geographic zone has a first communications service that supports provision of a journey-related information to the user, is at least likely to leave the first geographic zone and enter a second geographic zone, which second geographic zone does not have the first communications service;

- downloading to the user platform, in response to the determination, at least some journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone.

2. (Original) The process of claim 1 wherein downloading comprises downloading from a database to the user.

3. (Original) The process of claim 2 wherein downloading from a database to the user at least some journey related information regarding the second geographic zone includes downloading all journey-related information regarding the second geographic zone as is contained in the database.

4. (Original) The process of claim 2 wherein downloading from a database to the user at least some journey related information regarding the second geographic zone includes downloading only a portion of the journey-related information regarding the second geographic zone as is contained in the database.

5. (Original) The process of claim 4 wherein downloading only a portion of the journey related information regarding the second geographic zone as is contained in the database includes providing information that corresponds to an anticipated journey path for the user.

6. (Original) The process of claim 5 and further including determining the anticipated journey path for the user.

7. (Original) The process of claim 6 wherein determining the anticipated journey path for the user includes accessing destination point information as previously provided by the user.

8. (Original) The process of claim 6 wherein determining the anticipated journey path for the user includes estimating the anticipated journey path by referencing historical information regarding the user's travels.

9. (Original) The process of claim 4 wherein downloading only a portion of the journey related information regarding the second geographic zone as is contained in the database includes downloading only a portion of the journey related information regarding the second geographic zone as dynamically selected for the user.

10. (Original) The process of claim 9 wherein downloading only a portion of the journey related information regarding the second geographic zone as dynamically selected for the user includes downloading only a portion of the journey related information regarding the second geographic zone as dynamically selected by the user at the time of facilitating the downloading.

11. (Original) The process of claim 9 wherein downloading only a portion of the journey related information regarding the second geographic zone as dynamically selected for the user includes downloading only a portion of the journey related information regarding the second geographic zone as dynamically selected for the user based upon previously stored preferences that are at least partially specific to the user.

12. (Original) The process of claim 11 wherein downloading includes receiving the previously stored preferences from the user.

13. (Original) The process of claim 11 wherein downloading includes receiving the previously stored preferences from a database that is remote from the user.

14. (Original) The process of claim 11 wherein downloading includes receiving part of the previously stored preferences from the user and part of the previously stored preferences from a database that is remote from the user.

15. (Original) The process of claim 4 wherein downloading only a portion of the journey related information regarding the second geographic zone as is contained in the database includes downloading at least weather forecast information for at least a part of the second geographic zone.

16. (Original) The process of claim 15 wherein downloading at least weather forecast information for at least a part of the second geographic zone includes downloading at least weather forecast information that corresponds to an anticipated journey path for the user.

17. (Original) The process of claim 1 wherein downloading comprises wirelessly downloading to the user at least a portion of journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone.

18. (Original) The process of claim 17 wherein wirelessly downloading includes wirelessly downloading to the user a complete payload of journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone.

19. (Original) The process of claim 17 wherein downloading further comprises completing the downloading to the user of all remaining journey-related information regarding the second geographic zone while the user is within the second geographic zone and distal to the entrance boundary.

20. (Original) The process of claim 19 wherein completing the downloading includes completing the downloading using a second communications service, which second communications service is different from the first communications service.

21. (Original) The process of claim 20 wherein completing the downloading using a second communications service includes completing the downloading using a second communications service comprising a cellular telephony system.

22. (Original) The process of claim 1 wherein downloading comprises downloading to the user at least a portion of journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone using a physical interconnection.

23. (Original) The process of claim 22 wherein using a physical interconnection includes using a portable memory device.

24. (Original) The process of claim 23 wherein using a portable memory device includes using an optically encoded memory device.

25. (Original) The process of claim 23 wherein using a portable memory device includes using an electro-magnetically encoded memory device.

26. (Original) The process of claim 23 wherein using a portable memory device includes dispensing the portable memory device to the user from a dispensing station.

27. (Original) The process of claim 26 wherein dispensing the portable memory device to the user from a dispensing station includes dynamically placing at least part of the journey-related information in the portable memory device for the user.

28. (Original) The process of claim 22 wherein using a physical interconnection includes using a data conduit.

29. (Original) The process of claim 28 wherein using a data conduit includes using an optical conduit.

30. (Original) The process of claim 28 wherein using a data conduit includes using an electrical signal conduit.

31. (Original) The process of claim 1 and further comprising storing the journey-related information regarding the second geographic zone in a memory.

32. (Original) The process of claim 31 wherein storing the journey-related information regarding the second geographic zone in a memory includes storing the journey-related information regarding the second geographic zone in a cache memory.

33. (Original) The process of claim 31 and further comprising automatically removing at least portions of the journey-related information regarding the second geographic zone as the user travels through the second geographic zone.

34. (Original) The process of claim 33 wherein automatically removing at least portions of the journey-related information regarding the second geographic zone as the user travels through the second geographic zone includes automatically removing portions of the journey-related information regarding the second geographic zone that correspond to geographic locations that the user has at least reached.

35. (Original) The process of claim 33 wherein:

- downloading includes downloading to the user at least some journey-related information regarding the second geographic zone wherein at least some of the journey-related information includes a corresponding data-expiration time; and
- automatically removing at least portions of the journey-related information regarding the second geographic zone as the user travels through the second geographic zone includes automatically removing portions of the journey-related information regarding the second geographic zone for which the data-expiration time has expired.

36. (Original) The process of claim 1 wherein downloading comprises downloading to the user pursuant to user-based downloading criteria.

37. (Original) The process of claim 36 wherein downloading to the user pursuant to user-based downloading criteria includes downloading to the user pursuant to user-based downloading criteria that includes encryption information.

38. (Original) The process of claim 37 and wherein downloading to the user pursuant to user-based downloading criteria that includes encryption information includes downloading to the user pursuant to user-based downloading criteria that includes encryption information comprising an encryption key.

39. (Original) The process of claim 36 wherein downloading to the user pursuant to the user-based downloading criteria includes downloading to the user pursuant to user-based downloading criteria that includes at least one data format specification.

40. (Original) The process of claim 36 wherein downloading to the user pursuant to the user-based downloading criteria includes downloading to the user pursuant to user-based downloading criteria that includes data compression information.

41. (Original) The process of claim 40 wherein downloading to the user pursuant to user-based downloading criteria that includes data compression information includes downloading to the user pursuant to user-based downloading criteria that includes data compression information comprising a specific type of data compression.

42. (Original) The process of claim 36 wherein downloading to the user pursuant to the user-based downloading criteria includes downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification.

43. (Original) The process of claim 42 wherein downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification includes downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification specifying at least one visual display of information.

44. (Original) The process of claim 43 wherein downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification specifying at least one visual display of information includes downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification specifying at least one textual display of information.

45. (Original) The process of claim 43 wherein downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification specifying at least one visual display of information includes downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification specifying at least one graphic display of information.

46. (Original) The process of claim 42 and wherein downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification includes downloading to the user pursuant to user-based downloading criteria that includes at least one data presentation specification specifying at least one audible conveyance of information.

47. (Original) The process of claim 36 wherein downloading to the user pursuant to user-based downloading criteria includes compressing information to be transmitted to the user as a function, at least in part, of at least one of the user's processing speed, memory size, and vehicle speed.

48. (Original) The process of claim 1, wherein downloading to the user at least some journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone includes downloading to the user at least some journey-related information regarding the second geographic zone that has been obtained from other travelers journeying from the second geographic zone.

49. (Original) The process of claim 1 wherein determining that a user in a first geographic zone is at least likely to leave the first geographic zone and enter a second geographic zone includes detecting that the user has previously passed at least one predetermined geographic location.

50. (Original) The process of claim 49 wherein detecting that the user has previously passed at least one predetermined geographic location includes detecting that the user has previously passed at least two predetermined geographic locations.

51. (Original) The process of claim 49 wherein detecting that the user has previously passed at least one predetermined geographic location includes detecting that the user has previously passed the at least one predetermined geographic location within a predetermined period of time.

52. (Original) The process of claim 49 wherein detecting that the user has previously passed at least one predetermined geographic location includes automatically accessing a navigation device as used by the user.

53. (Original) The process of claim 52 wherein accessing a navigation device as used by the user includes automatically accessing a global positioning system navigation device as used by the user.

54. (Original) The process of claim 52 wherein accessing a navigation device as used by the user includes automatically accessing a dead reckoning navigation device as used by the user.

55. (Original) The process of claim 1 and further comprising up-loading at least some user information.

56. (Original) The process of claim 55 wherein up-loading at least some user information includes uploading at least an intended destination for the user.

57. (Original) The process of claim 55 wherein up-loading at least some user information includes uploading at least an estimated time at when the user enters the second geographic zone.

58. (Original) The process of claim 55 wherein up-loading at least some user information includes uploading at least an intended travel route for the user.

59. (Original) The process of claim 55 wherein up-loading at least some user information includes uploading at least a wireless telephonic contact number for the user.

60. (Previously Amended) An apparatus comprising:

- determining means for determining that a user in a first geographic zone, which first geographic zone has a first communications service that supports provision of a journey-related information to the user, is at least likely to leave the first geographic zone and enter a second geographic zone, which second geographic zone does not have the first communications service; and

- downloading means for downloading to the apparatus, in response to the determination, at least some journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone.

61. (Original) The apparatus of claim 60 wherein the downloading means includes means for downloading the at least some journey-related information from a database to the user.

62. (Original) The apparatus of claim 60 wherein the downloading means includes means for wirelessly downloading to the user at least a portion of journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone.

63. (Original) The apparatus of claim 60 wherein the downloading means includes physical connection means for downloading to the user at least a portion of the

journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone.

64. (Original) The apparatus of claim 63 wherein the physical connection means includes portable memory means for retaining at least some of the information.

65. (Original) The apparatus of claim 64 wherein the portable memory means includes at least an optically encoded memory device.

66. (Original) The apparatus of claim 64 wherein the portable memory means includes at least an electro-magnetically encoded memory device.

67. (Original) The apparatus of claim 63 wherein the physical connection means includes a data conduit.

68. (Original) The apparatus of claim 60 wherein the downloading means includes means for downloading the journey-related information to the user pursuant to user-based downloading criteria.

69. (Original) The apparatus of claim 68 wherein the user-based downloading criteria includes at least one of encryption information, data format specifications, data compression specifications, and data presentation specifications.

70. (Original) The apparatus of claim 60 and further comprising memory means operably coupled to the means for downloading for storing at least a part of the journey-related information regarding the second geographic zone.

71. (Previously Amended) A method to provide a terrestrial-based vehicle user, which user uses wirelessly transmitted journey-related information by means of a user platform when traveling through a first geographic zone having at least short-range roadside transmitters that transmit journey-related information compatibly with an information service, with journey-related information regarding a second geographic zone

that has at least a considerably reduced number of the short-range roadside transmitters that are operable, comprising the steps of:

- determining by the user platform that the user is at least likely in the near future to enter the second geographic zone;
- downloading to the user platform, in response to the determination, at least some journey-related information regarding the second geographic zone while the user is at least proximal to an entrance boundary for the second geographic zone to provide downloaded journey-related information;
- using at least some of the downloaded journey-related information while traveling through the second geographic zone.

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